

1st AMENDED COVID-19 Operating Plan for Brazoria County

Pursuant to the Separation of Powers Doctrine¹ and recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the buildings housing the courts, the courts of Brazoria County and Brazoria County will implement the following protective measure:

General

1. All judges will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.
2. All judges will use all reasonable efforts to conduct proceedings remotely.
3. The local administrative district judge will maintain regular communication with the local health authority and county judge and adjust this operating plan as necessary with conditions in Brazoria County.
4. Judges will begin setting non-essential in-person proceedings no sooner than June 1, 2020.

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible.
2. Judge and Court Staff Monitoring Requirements: Each morning, the judge or designated court staff member will ask the judge/court staff if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Individuals who indicate yes to any of these questions will be sent home immediately.
3. Judges or court staff who feel feverish or have measured temperatures equal to or greater than 99.6°F, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19 will not be permitted to enter the building and should seek medical advice.
4. Judges and court staff will be encouraged to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all time.
5. Protective Measures: Judges and court staff will be provided gloves and face coverings.

Scheduling

1. The following court schedules are established to reduce occupancy in the court building:

¹ The judiciary of Brazoria County recognizes and acknowledges that, pursuant to this Operating Plan, the Courts are responsible for the implementation of this Operating Plan for their courtroom and that the County of Brazoria is responsible for all other areas of the courthouse, which include, but is not limited to the entrance of the courthouse, common hallways, offices not associated with the judiciary, bathrooms, and similar facilities.

The judges of each court will work together to establish a rotating schedule to reduce the occupancy in the court building. Adjacent courtrooms on the same floor of the court building will not schedule dockets on the same day, if feasible. Further, on any given day, only ½ of the judges will schedule a docket for that day of the week. In court buildings that only have one judge, the court will schedule dockets that comply with the capacity determined by the 6' social distance requirement in their courtroom.

Vulnerable Populations

1. Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations.
2. Each judge will include information on orders setting hearings, dockets notices, and in other communications notifying individuals who are in vulnerable populations of the ability to contact the court to identify themselves as a vulnerable individual and receive accommodations. A notice with this information will be posted on the courts' websites and in conspicuous locations around the court building.
3. Vulnerable populations who are scheduled for court will be accommodated by allowing to reset their case (if possible), allowed to remain in hallway or their car directly outside the court building until their hearing, and/or provided a face covering if requested.

Social Distancing

1. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
2. No more than **four** individuals not from the same household will be permitted in an elevator. If more than **four** individuals from the same household is in an elevator, no other individuals will be permitted in the elevator.
3. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
4. Public common areas, including breakrooms and snackrooms, have been closed to the public.

Gallery

5. The maximum number of persons permitted in the gallery of each courtroom has been determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.
6. The gallery of the courtroom has been marked to identify appropriate social distancing in the seating. Seating is limited to every other row, if feasible.

Well

7. In each courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporters, and bailiff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space.

Hygiene

1. Hand sanitizer dispensers have been placed at the entrances to the court building, outside of each courtroom, and outside of bathrooms.
2. Tissues have been placed at counsel tables, at the witness stand, and inside the bathrooms.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations on each floor of the court building.

Screening

1. When an individual enters the court building, a county employee (not court staff) will ask the individual if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Individual(s) who indicate "yes" to any of these questions will be refused admittance to the court building and asked to leave the court building immediately. In addition, signage is posted at the entrance of the court building advising individuals to not attempt entry into the court building if they are ill or displaying symptoms of COVID-19. If an individual is denied entry into the court building, the county employee (not court staff) screening the individual will inform the court that the individual appeared but was denied entry.
2. When an individual enters the court building, a county employee (not court staff) will use an infrared thermometer to determine the temperature of the individual. Individual(s) whose temperature equals or exceeds 99.6°F will be refused admittance to the court building and asked to leave the court building immediately. If an individual is denied entry into the court building, the county employee (not court staff) screening the individual will inform the court that the individual appeared but was denied entry.
3. Inmates being transported from the jail to the court building will be screened for symptoms of COVID-19 and have their temperature taken prior to transport. Inmates with symptoms or a temperature equal to or above 99.6°F will not be transported to the court building.
4. County employees who are screening individuals entering the court building will be provided personal protective equipment, including gloves and face coverings.

Face Coverings

1. All individuals entering the court building will be encouraged to wear face coverings at all times.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided if requested.

Cleaning

1. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned on a regular schedule throughout the day.
2. Court building cleaning staff will clean the courtrooms between every hearing, between morning and afternoon proceedings, and/or at the end of each day the courtroom is used.

Further, appropriate sanitizing cleaning supplies will be available in the courtroom for the parties to utilize at anytime during the day.

3. Court building cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
4. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

I have attempted to confer with all judges of courts with courtrooms in the court building regarding this Operating Plan. In developing the plan, I consulted with the local health authority and county judge, documentation of which is attached to this plan. I will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan conduct proceedings consistent with the plan.

Date: _____

Justin R. Gilbert, 412th District Judge and Local
Administrative District Judge